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DATE: February 3, 2004

FILE NO.:

CLIENT/MATTER NO.: 56104576-71

TOTAL NO. OF PAGES: 9

USER NO.:

TO: Examiner Anglois Yilmaz, Group Art Unit  
1741

FAX: 703-872-9306

COMPANY: USPTO

CITY:

PHONE:

STATE/COUNTRY:

FROM: James D. Jacobs

WRITER'S PHONE: (212) 891-3951

WRITER'S FAX: (212) 310-1651

RE: Application no. 09/787,368

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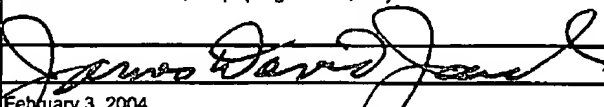
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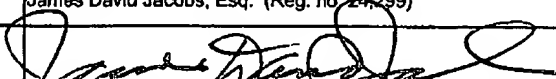
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/787,368
	Filing Date	3/21/2001
	First Named Inventor	Chencheri Hariharan Nair
	Art Unit	1741
	Examiner Name	Anglois Yilmaz
Total Number of Pages in This Submission	Attorney Docket Number	56104576-71

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Withdraw Holding of Abandonment; copy of Notice of Abandonment; copies of docket records and file jacket.
Remarks This correspondence is being facsimile transmitted to the USPTO at 703-872-9306 on February 3, 2004.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	James David Jacobs, Esq. (Reg. no. 24,299)
Signature	
Date	February 3, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	James David Jacobs, Esq. (Reg. no. 24,299)	
Signature		Date 2/3/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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56104576-71

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Appl. No. : 09/787,368 Confirmation No. 2783  
Inventors : Chenicheri Hariharan Nair et al.  
Filed : March 14, 2001  
TC/A.U. : 1741  
Examiner : Anglois Yilmaz  
  
Docket No. : 56104576-71  
Customer No. : 26453

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
DUE TO PATENT OFFICE ERROR**

Sir:

Applicant hereby petitions pursuant to MPEP 711.03(c)I and 37 CFR §1.181 that the Commissioner withdraw the holding of abandonment in the above-identified patent application. As shown below, the Notice of Missing Parts, to which no timely response was made, was never mailed to Applicant or its appointed attorneys.

**Statement of Facts**

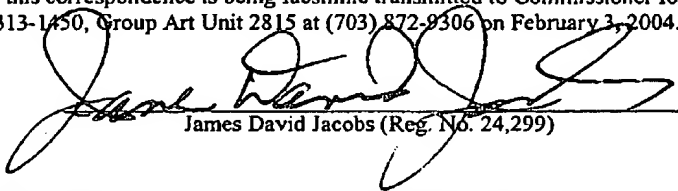
1. Applicant, by its attorneys Akin, Gump, Strauss, Hauer & Feld LLP ("Akin Gump") filed the above captioned patent application on March 14, 2001 with a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Group Art Unit 2815 at (703) 872-9306 on February 3, 2004.

NYCDMS, 417168.1

  
James David Jacobs (Reg. No. 24,299)

2. On June 8, 2001, Applicant submitted a Power of Attorney revoking its power of attorney to Akin Gump and granting Arter & Hadden LLP ("Arter & Hadden") its power of attorney.
3. On September 14, 2001, the United States Patent and Trademark Office ("USPTO") recognized Arter & Hadden's power of attorney through mailing its Decision on the Petition for Revival, originally filed by Akin Gump, to Applicant's then newly appointed attorneys Arter & Hadden.
4. On January 24, 2002, Arter & Hadden submitted to the USPTO a Request to Withdraw as Attorney or Agent and changed the correspondence address to the address of the undersigned.
5. Through an error solely on the part of the USPTO, on April 4, 2002 the USPTO purportedly mailed to Akin Gump, whose power of attorney had been revoked almost a year earlier, a Notice to File Missing Parts. That Notice should have been mailed to the undersigned.
6. On February 25, 2003, Applicant filed a Power of Attorney appointing the undersigned its attorney.
7. On April 2, 2003, the USPTO mailed a Notice of Acceptance of Power of Attorney to the undersigned.
8. On December 3, 2003, the USPTO mailed to the undersigned a Notice of Abandonment stating that the application went abandoned because of failure to respond to the Notice to File Missing Parts, presumably mailed one and one-half years earlier. A copy of the Notice of Abandonment is attached.
9. That Notice of Abandonment was the first time that the Applicant and the undersigned were aware that a Notice to File Missing Parts had been purportedly been mailed long before. The undersigned had not received from the USPTO or any source a Notice to File

Missing Parts. The undersigned performed a search of the file jacket and its docket and found no record of the Notice to File Missing Parts. A copy of the docket records and file jacket is attached.

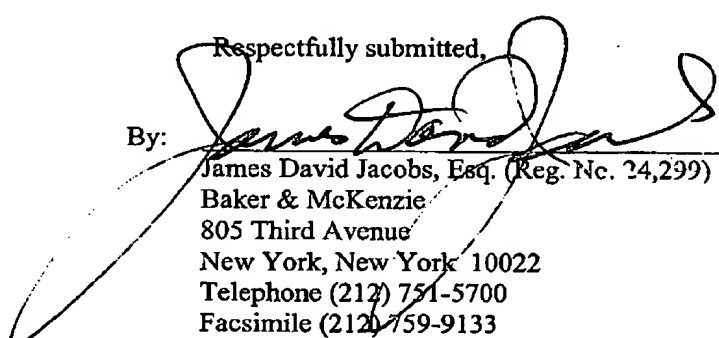
The above facts establish that the application never in fact was abandoned. Accordingly, Applicants petition to withdraw the holding of the abandonment.

No fee is believed due. If any fee is due, however, the Commissioner is hereby authorized to charge payment to Deposit Account No. 02-0393. If any additional fees associated with this communication are required or to credit any overpayment, please use Deposit Account No. 02-0393.

Dated: February 3, 2004

Respectfully submitted,

By:



James David Jacobs, Esq. (Reg. No. 24,299)  
Baker & McKenzie  
805 Third Avenue  
New York, New York 10022  
Telephone (212) 751-5700  
Facsimile (212) 759-9133



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/787,368	03/14/2001	Chenicheri Hariharan Nair	071550.0023

CONFIRMATION NO. 2783

ABANDONMENT/TERMINATION  
LETTER  
\*OC000000011405466\*

26453  
BAKER & MCKENZIE  
805 THIRD AVENUE  
NEW YORK, NY 10022

Date Mailed: 12/03/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/04/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PAGE 7/9 \* RCVD AT 2/3/2004 8:14:47 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:2128913547 \* DURATION (mm-ss):10-56

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 Client/Division: Gradipore Limited  
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PURIFICATION OF BLOOD CLOTTING PROTEINS

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 Filing Date: Related Party Info: Actions: Description: Expenses: Ex Files:

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Agent
IDS Filed	6/14/2001			3/14/2001	
Benefit of Earlier Appl.	7/14/2001			3/14/2001	
Published	7/14/2001				
IDS Filed	11/29/2001			11/29/2001	
IDS Filed	12/7/2001			12/7/2001	
Amendment	12/28/2001			12/28/2001	
PCT Application Filed	3/14/2002			8/11/1999	
Foreign Filing Complete	3/14/2002			8/11/1999	
PQA Filed	2/25/2003			2/25/2003	James
NoL of Abandonment	12/3/2003				
Revived	2/3/2004				

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